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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,827	04/27/2001	David C. Mitchell	368B	2535

7590 09/23/2002
CIENA Corporation
Legal Department
1201 Winterson Rd.
Linthicum, MD 21090

EXAMINER

PAK, SUNG H

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/844,827

Applicant(s)

MITCHELL ET AL.

Examiner

Sung H. Pak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it is too long. In accordance with the PBG- Final Rule effective as of November 7, 2000, abstract is now limited to 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroeder, Jr. (US 4,046,298).

Schroeder, Jr. discloses a method of tensioning an optical fiber ribbon cable with all the limitations set forth in the claims, including: securing a first portion and second portion of the optical fiber to first and second supports (Fig. 10); creating a moment arm with second support to uniformly and repeatably tension and position the optical fiber for stripping (Fig. 3,4 and column 3 line 62- column 4 line19).

Regarding claim 2, the reference does not explicitly state that the second support rotates due to it's own weight. However, such limitation is inherently disclosed by the reference, because the combined weight of the second support component ("31", "29", and "32" in Fig. 3) would inherently pull the optical fiber in a clockwise direction.

Regarding claim 3, the knob ("25" in Fig. 4) is rotated until the stop element "26" abuts against the leg element "22" prior to tensioning the optical fiber.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al (US 5,216,739) in view of Schroeder, Jr. (US 4,046,298).

Hill et al discloses a method for forming a refractive-index grating in a fiber optic cable, including: securing first and second portions of the fiber in a first support "4" and a second support "6" (Fig. 1); creating a gravity-assisted pull with weights (Fig. 1); impressing laser induced optical gratings on the fiber (column 3 lines 55-60). Although

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the reference discloses a UV induced grating, laser etched grating is commonly used in the art, and it is considered an obvious variation (for example, US 6,087,655). Laser etching is preferred because it takes considerably less time to induce gratings in the fiber.

Nonetheless, Hill et al does not teach the use of a gravity assisted moment arm for creating tension in the optical fibers. Schroeder, Jr., on the other hand, teaches the method of tensioning optical fibers with gravity assisted moment arm, as discussed above. Such configuration is advantageous because it allows for reliable tensioning of the optical fiber without attaching the weight directly onto the fiber. Attaching the weight directly onto the fiber may undesirably damage the fiber. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hill et al device to use gravity assisted moment arm as taught in Schroeder, Jr.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novack et al (US 6,272,886 B1) in view of Schroeder, Jr. (US 4,046,298).

Novack discloses a method of calibrating a fiber optic cable, including: securing first and second portion of the optical fiber to first and second support (column 3 lines 58-66); measuring the diffraction grating during the tensioning and the writing stages of the optical grating so that the grating magnitude and quality may be monitored (column 3 line 66- column 4 line 5).

However, Novack et al does not teach the use of gravity assisted moment arm for providing tension on the fiber. Gravity assisted moment arm is not a novel or

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patentable feature, and it is disclosed in the prior art, Schroeder, Jr. As discussed above, Schroeder, Jr. provides simple and reliable way of providing tension without damaging the optical fiber. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Novack et al to use gravity assisted moment arm as taught in Schroeder, Jr.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobrin (US 6,087,655) discloses a method of laser etching optical gratings on optical fibers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-4880. The examiner can normally be reached on Monday - Thursday : 6:30am-5:00pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


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September 14, 2002

Sung H. Pak
Examiner
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Rodney Bovernick
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